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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/511,372	10/14/2004	Thomas Justel	DE 020101	8681

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EXAMINER

QUARTERMAN, KEVIN J

ART UNIT	PAPER NUMBER
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2879

MAIL DATE	DELIVERY MODE
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10/19/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/511,372

Applicant(s)

JUSTEL ET AL.

Examiner

Kevin Quarterman

Art Unit

2879

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 August 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 October 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Amendment***

1. Applicant's amendment and remarks received 29 August 2007 have been entered and overcome the rejections under 35 USC § 112 that were recited in the previous office action.

### ***Claim Objections***

2. Claim 1 is objected to because of the following informalities: It appears that the first occurrence of reference character "1" enclosed in parentheses in the second line of the claim should be placed between the terms "plate" and "and" in the first line of the claim. It also appears that reference character "1" should replace reference character "3" in the third line of claim, since reference character "1" was previously used to denote the front plate. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1-4 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

5. Applicant has amended independent claim 1 to include a limitation that the plasma display panel is equipped with "a glass plate positioned on the front plate." Applicant's original disclosure recites the front plate (1) having a glass plate, in addition to a dielectric layer (4), a protective layer (5), and discharge electrodes (6, 7). Applicant's original disclosure does not teach "a glass plate positioned on the front plate" as is now recited in independent claim 1. In other words, the front plate (1) is disclosed (and shown in Figure 1) as comprising a glass plate (3) but not the glass plate (3) as a separate element being positioned on the front plate (1).
6. Thus, this limitation is deemed **new matter**, since it was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Due to their dependency upon independent claim 1, claims 2-4 are also rejected for failing to comply with the written description requirement.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1 and 4 are rejected under 35 U.S.C. 102(e) as being anticipated by Hayashi (US Pub. 2002/0089284).

9. Regarding independent claim 1, Figure 1 of Hayashi shows a plasma display panel equipped with a front plate and a carrier plate (27) with a gap in-between the front plate and the carrier plate, which has a glass plate (32) positioned on the front plate on which a dielectric layer (29) and a protective layer (28) are deposited, wherein the carrier plate (27) is covered by a segmented fluorescent layer (21) and wherein the fluorescent layer contains red-emitting color segments or a red-emitting fluorescent substance, blue-emitting color segments of a blue-emitting fluorescent substance and green-emitting color segments of a green-emitting  $Tb^{3+}$ -activated fluorescent substance, has a rib structure (24) which divides the space between the front plate and the carrier plate into plasma cells (34) which are gas-filled, with one or more electrode arrays (26, 30, 31) on the front plate and the carrier plate for generating silent electrical discharges in the plasma cells and has a green color filter layer (23) between the fluorescent layer of a green-emitting color segment and the carrier plate.

10. Regarding claim 4, Hayashi discloses the green  $Tb^{3+}$ -activated fluorescent substance selected from the group  $(Y_xGd_{1-x-y})BO_3:Tb_y$  ( $0 \leq x \leq 1$ ,  $0 \leq y \leq 1$ ),  $LaPO_4:Tb$ ,  $(Y_xGd_{1-x-y})_3Al_5O_{12}:Tb_y$  ( $0 \leq x \leq 1$ ,  $0 \leq y \leq 1$ ),  $CeMgAl_{11}O_{19}:Tb$ ,  $GdMgB_5O_{10}:Ce,Tb$ ,  $(Y_xGd_{1-x-y})_2SiO_5:Tb_y$  ( $0 \leq x \leq 1$ ,  $0 \leq y \leq 1$ ),  $(In_xGd_{1-x-y})BO_3:Tb_y$  ( $0 \leq x \leq 1$ ,  $0 \leq y \leq 1$ ),  $(Y_{1-x-y}Gd_x)_2O_2S:Tb_y$  ( $0 \leq x \leq 1$ ,  $0 \leq y \leq 1$ ),  $LaOBr:Tb$ ,  $LaOCl:Tb$  and  $LaPO_4:Ce,Tb$  (pg.3, ¶ [0041]).

***Claim Rejections - 35 USC § 103***

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

13. Claims 2-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hayashi (US Pub. 2002/0089284) in view of Sohn (US 6,650,052).

14. Regarding claim 2, Hayashi teaches the limitations of independent claim 1 discussed earlier but fails to exemplify the green color filter layer containing  $\text{Pr}^{3+}$ -containing materials.

15. Sohn teaches that it is known in the art to provide plasma display panels with a color filter layer having  $\text{Pr}^{3+}$ -containing materials (col. 3, ln. 6-8) for improving color purity (col. 2, ln. 50-51).

16. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the plasma display panel of Hayashi with the color filter layer containing  $\text{Pr}^{3+}$ -containing materials, as taught by Sohn, for improving the efficiency of the device.

Art Unit: 2879

17. Regarding claim 3, Sohn discloses the  $\text{Pr}^{3+}$ -containing materials including material selected from the group  $\text{PrPO}_4$ ,  $\text{PrF}_3$ ,  $\text{PrOCl}$ ,  $\text{PrOF}$ ,  $\text{PrOBr}$ ,  $\text{Pr}_3\text{Al}_5\text{O}_{12}$ ,  $\text{PrBO}_3$ ,  $\text{Pr}_2\text{SiO}_5$ ,  $\text{Pr}_2\text{Si}_2\text{O}_7$ , and  $\text{PrB}_3\text{O}_6$  (col. 4, ln. 31-35).

### ***Response to Arguments***

18. Applicant's arguments with respect to claims 1-4 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

19. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

20. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Art Unit: 2879

**Contact Information**


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Quarterman whose telephone number is (571) 272-2461. The examiner can normally be reached on M-TH (7-5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimesh Patel can be reached on (571) 272-2457. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Kevin Quarterman  
Examiner  
Art Unit 2879

kq   
12 October 2007

  
PRIMARY EXAMINER  
ART UNIT 2879